

PART 17

Floodways and Floodplains

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SECTION 1701. GENERAL PROVISIONS

A. Applicability

These provisions shall apply to all lands within the jurisdiction of the Township of Cecil and shown as being located within the boundaries of the designated floodplain districts which are considered to be overlays of the Official Zoning Map.

B. Compliance

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Chapter.

SECTION 1702. ESTABLISHMENT OF FLOODPLAIN DISTRICTS

A. Description of Districts

The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for the Township of Cecil prepared by the Federal Insurance Administration dated March, 1979.

1. The Floodway District (FW) is delineated for purposes of this Part using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The term shall also include floodway areas that have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study prepared by Federal Emergency Management Agency (FEMA).
2. The Flood Fringe District (FF) shall be that area of the one hundred year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred year flood elevations contained in the flood profiles of the above

referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.

3. The General Floodplain Area (FA) shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by FEMA. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area that is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. (See Section 1702.E, below)

B. Overlay Concept

1. The floodplain districts described above shall be overlays to the existing underlying zoning districts as shown on the Official Zoning Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying zoning district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply. In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the underlying zoning district provisions shall remain applicable.

C. Floodplain District Boundaries

The boundaries of the floodplain districts are delineated on the map entitled "Flood Boundary and Floodway Map" which is a part of the Flood Insurance Study prepared by the Federal Insurance Administration, dated March 1979. The Flood Boundary and Floodway Map is hereby declared to be a part of both this Chapter and the Official Zoning Map of the Township of Cecil.

D. Interpretation of District Boundaries

Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

E. District Boundary Changes

The delineation of any of the floodplain districts may be revised by the governing body where natural or man-made changes have occurred and/or where more detailed studies, conducted or undertaken by the U.S. Army Corps of Engineers, the Susquehanna River Basin Commission, or other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

SECTION 1703. DISTRICT PROVISIONS

All uses, activities, and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances of the Township of Cecil. In addition, all such uses, activities, and development shall be undertaken only in compliance with Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 22 U.S.C. 1334 (amended as the Clean Water Act in 1977). Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility of system. In the floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district, subject to the following:

- A.** Within any Floodway District (FW), any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited. No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands.
- B.** No mobile home shall be permitted in the Floodway District (FW).
- C.** Within the General Floodplain Area (FA), no new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands. Development and/or use of land shall be permitted in the floodplain districts only in strict compliance with the elevation and related provisions of this Chapter and all other applicable codes and ordinances.

SECTION 1704. Elevation, Floodproofing, and Construction Standards for Floodplain Districts

A. Residential Structures

Within any floodplain district, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated to at least one and one-half (1½) feet above the one hundred year flood elevation.

B. Non-Residential Structures

- 1. Within any floodplain district, the lowest floor, including basement, of any non-residential structure shall be constructed at least one and one-half (1½) feet above the one hundred year flood elevation or such structure shall be designed and constructed so that the space enclosed shall remain either completely or essentially dry during any flood up to that height.
- 2. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1½) feet above the one hundred year flood elevation shall be designed and constructed to be completely or essentially dry in accordance with the WI or W2 space classifications standards contained in the publication entitled "Floodproofing Regulation" (U.S. Army Corps of Engineers, June 1972, as amended March 1992) or some other equivalent standard for that type of construction. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. Accessory Structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. The floor area shall not exceed six hundred (600) square feet.
3. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
4. Power lines, wiring, and outlets shall be at least one and one-half (1½) feet above the one hundred year flood elevation.
5. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
6. Sanitary facilities are prohibited.
7. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc., or other coverings of devices provided that they permit the automatic entry and exit of floodwaters

D. Fill

If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points.
2. Consist of soil or rock materials only. Sanitary landfills shall not be permitted.
3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
4. Be no steeper than one (1) vertical to two (2) horizontal feet.

E. Drainage Facilities

Adequate storm drainage shall be provided for development within any floodplain district. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

F. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment. No part of any on-site sewage system shall be located within any identified floodplain district except in strict compliance with all State and local regulations for such systems.

G. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damage.

H. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas shall be located and constructed to minimize the chance of impairment during a flood.

I. Electrical Equipment

Electrical distribution panels shall be at least three (3) feet above the one hundred year flood elevation.

J. Anchoring

Within any floodplain district, all buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored to prevent flotation.

K. Materials

All materials and utility equipment used shall be resistant to flood damage.

L. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

M. Special Provisions for Manufactured Homes within any Floodplain District

1. Within any Floodway District (FW), manufactured homes shall be prohibited.

2. Within any General Floodplain Area (FA), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top of bank of any watercourse.
3. Where permitted within any floodplain area, mobile homes, and any additions thereto, shall be placed on a permanent foundation and anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors as follows:
 - a. Over-the-top ties shall be provided at each corner of the mobile home, with two (2) additional ties per side at intermediate locations, for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
 - b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
 - c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.
4. All mobile homes, and any additions thereto, shall also be elevated in accordance with the following requirements:
 - a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at least one and one-half (1½) feet above the one hundred year flood elevation. Where pilings are used for elevation, the lots shall be large enough to permit steps. Piling foundations shall be placed in stable soil no more than ten (10) feet apart. Reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
 - b. Adequate surface drainage shall be provided.
 - c. Adequate access for a hauler shall be provided.

SECTION 1705. EXISTING STRUCTURES

Structures existing in any designated floodplain districts prior to the enactment of this Chapter which are not in compliance with these provisions may continue to remain, subject to the following:

- A.** No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
- B.** Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of less than fifty percent (50%) of its market value shall be elevated and/or floodproofed to the greatest extent possible.
- C.** Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty percent (50%) or more of its market value shall be undertaken only in full compliance with the provisions of this Chapter.

SECTION 1706. ADMINISTRATION

A. Permit Required

A permit shall be required for all construction and development in any floodplain district, including the alteration, repair, remodeling, or improvement of existing structures. In addition to the application requirements of Section 1708 of this Part (if applicable), the following additional information shall be included in an application for construction or development in any floodplain district.

1. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. existing and proposed contours and/or elevations of the ground;
 - c. all property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development;
 - e. the location of all existing streets, drives, and other accessways; and
 - f. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.
2. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale, showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - b. the elevation of the one hundred year flood;
 - c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a one hundred year flood; and
 - d. detailed information concerning any proposed floodproofing measures.
3. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
4. If the proposed development is to be located within the Floodway District (FW), certification from a registered engineer that the development will not cause any increase in the one hundred year flood levels within the community, or that any such increase will be fully offset by accompanying watercourse improvements.
5. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

6. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.

B. Other Permit Issuance Requirements

Prior to the issuance of any permit, the Zoning Officer shall review the permit application to determine if all other necessary governmental permits, such as those required by State and Federal laws, have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act; the Pennsylvania Water Obstruction Act of 1913; and the Federal Water Pollution Control Act Amendments of 1972, Section 404, U.S.C. 1334 (amended as the Clean Water Act in 1977). No permit shall be issued until this determination has been made.

C. Watercourse Alterations

Prior to any proposed alteration or relocation of a watercourse, the developer proposing such alteration shall obtain a permit from the Pennsylvania Department of Environmental Protection (DEP), Bureau of Dams, Waterways, and Wetlands. Furthermore, the developer shall notify the Federal Emergency Management Agency, the Pennsylvania Department of Community and Economic Development and all affected communities by certified mail prior to such proposed alterations and shall submit copies of such notification to the Township Zoning Officer and the Federal Insurance Administration. In addition, the developer shall assure the Township Board of Supervisors in writing that the flood carrying capacity within the altered or relocated portion of the watercourse will be maintained.

D. Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

SECTION 1707. VARIANCES AND SPECIAL EXCEPTIONS

Requests for variances and/or special exceptions in the floodplain districts shall be considered by the Zoning Hearing Board in accordance with the following procedures:

- A.** No variances shall be granted for any construction, development, use, or activity within any designated Floodway District (FW) that would cause any increase in the one hundred year flood elevation.
- B.** Except for a possible modification of the one and one-half foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 1708) or to Development Which May Endanger Human Life (Section 1709).
- C.** If granted, a variance shall involve only the least modification necessary to provide relief.
- D.** In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.

- E.** When a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
1. That granting of the variance may result in increased premium rates for flood insurance.
 2. Such variance may increase the risks to life and property.
- F.** In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
1. That there is good and sufficient cause.
 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 3. That the granting of the variance will not result in any unacceptable or prohibited increased flood heights, additional threats to public safety, extraordinary public expense, or nuisances, and that the granting of the variance will not result in fraud against the public, victimize the public, or conflict with any other applicable local or State ordinances and regulations.
- G.** A complete record of all variances requested and related actions shall be maintained by the Township of Cecil. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

SECTION 1708. ACTIVITIES REQUIRING SPECIAL PERMITS

The provisions of this Section shall be applicable in addition to any other applicable provisions of this Chapter, or any other ordinance, code, or regulation.

A. Identification of Activities Requiring a Special Permit

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act (Act 1978-166), the following activities shall be prohibited within, or partially within, any identified floodplain area unless a Special Permit has been issued by the Township.

1. The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - a. Hospitals
 - b. Nursing homes, personal care homes, and other similar buildings wherein elderly or infirm persons are housed or boarded.
 - c. Jails or prisons
2. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

B. Application Requirements

Applicants for Special Permits shall provide five (5) copies of the following items:

1. A written request including a completed Building Permit application.

2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') or less, showing the following:
 - a. North arrow, scale, and date.
 - b. Topography based on the National Geodetic Vertical datum of 1929, showing existing and proposed contours at intervals of two (2) feet.
 - c. All property and lot lines, including dimensions and the size of the site expressed in acres or square feet.
 - d. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - e. The location of any existing bodies of water or watercourses, buildings, structures, and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.
 - f. The location of the floodplain boundary line, information and spot elevations concerning the one hundred year flood elevations, and information concerning the flow of water, including direction and velocities.
 - g. The location of all proposed buildings, structures, utilities, and any other improvements.
 - h. Any other information which the Township considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - a. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate.
 - b. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred year flood.
 - d. Detailed information concerning any proposed floodproofing measures.
 - e. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.
 - f. Profile drawings for all proposed streets, drives, and vehicular accessways, including existing and proposed grades.
 - g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

5. The following data and documentation:

- a. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
- b. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred year flood.
- c. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred year flood, including a statement concerning the effects such pollution may have on human life.
- d. A statement certified by a registered professional engineer, architect, or landscape architect which contains a complete and accurate description of the effects the proposed development will have on the one hundred year flood elevations and flow.
- e. A statement certified by a registered professional engineer, architect, or landscape architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred year flood elevation and the effects such debris and materials may have on the one hundred year flood elevations and flows.
- f. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- g. Where any excavation or grading is proposed, a plan meeting the requirements of the DEP to implement and maintain erosion and sedimentation control.
- h. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the DEP under Section 302 of Act 1978-166.
- i. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred year flood.

C. Application Review Procedures

Upon receipt of an application for Special Permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures already established:

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
2. If an incomplete application is received, the Township shall notify the applicant in writing stating in what respects the application is deficient.

3. If the Township decides to deny an application, it shall notify the applicant in writing setting forth the reasons for the denial.
4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development thirty (30) days after receipt of the notification by the Department to review the application and the decision made by the Township.
6. If the Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
7. If the Department of Community and Economic Development should decide to deny an application, it shall notify the Township and the applicant, in writing, setting forth the reasons for the denial, and the Township shall not issue the Special Permit.

D. Technical Requirements for Development Requiring a Special Permit

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner which will prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life or property, and which will fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. The structure will survive inundation by waters of the one hundred year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the one hundred year flood elevation.
 - b. The lowest floor elevation (including basement) will be at least one and one-half feet (1½') above the one hundred year flood elevation.
 - c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred year flood.
2. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.

E. Top-of-Bank Distance Requirement for Special Permit Uses

Within any identified floodplain district, any structure of the kind described in subsection A, above, shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.

F. Limited Variance Allowance for Special Permit Uses

Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

SECTION 1709. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

The provisions of this Section shall be applicable in addition to any other applicable provisions of this Chapter, or any other ordinance, code, or regulation.

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Act, any new or substantially improved structure which will be used for the production or storage of any of the dangerous materials or substances listed below; or will be used for any activity requiring the maintenance of a supply on the premises of more than five hundred fifty (550) gallons, or other comparable volume, of any of the dangerous materials or substances listed below; or will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this Section, in addition to all other applicable provisions of this Chapter. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium Carbide
5. Carbon Disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric Acid
9. Hydrocyanic Acid
10. Magnesium
11. Nitric Acid and oxides of Nitrogen
12. Petroleum products (gasoline, fuel, oil, etc.)
13. Phosphorous
14. Potassium
15. Sodium
16. Sulfur and Sulfur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any Floodway District (FW), any structure of the kind described in subsection A, above, shall be prohibited.

C. Where permitted within any Flood Fringe District (FF) or General Floodplain District (FA), any structure of the kind described in subsection A, above, shall be:

1. Elevated, or designed and constructed, to remain completely dry up to at least one and one-half feet (1½') above the one hundred year flood elevation; and
2. Designed to prevent pollution from the structure or activity during the course of a one hundred year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972) or with some other equivalent watertight standard.

- D.** Within any General Floodplain District (FA), any structure of the kind described in subsection A, above, shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.
- E.** Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

SECTION 1710. SETBACKS FROM STREAMS OUTSIDE DESIGNATED FLOODPLAINS

In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to three (3) times the width of the stream at the top of the bank or twenty (20) feet on each side, whichever is greater.

SECTION 1711. SPECIAL PROVISIONS FOR SUBDIVISIONS

Proposed subdivision of land shall comply with requirements of Part 5, Section 505, Supplemental Flood Plain Area Requirements, and Part 6, Section 617, [Design] Standards for Designated Flood Plain Areas, of this Chapter, in addition to any requirements of this Part for construction of improvements.

SECTION 1712. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas, will be free from flooding or flood damages. This Part shall not create liability on the part of the Township, or any officer or employee thereof, for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.